IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 48 (SS) of 2007

Kamla Pant,
W/o late Mr. Girish Chandra Pant,
R/o Village – Ukaal, P.O. – Danya,
District – Almora. **……..Petitioner.**

Versus

1. State of Uttarakhand, through Secretary, Rural Development.
2. Block Development Officer, Ramgarh, Nainital.
3. Chief Development Officer, Nainital.
4. State of U.P. through Secretary, Rural Development, Lucknow.

……..Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Udyog Shukla, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioner has prayed for payment of retirel benefits of petitioner's husband to the petitioner.

Respondents have filed counter affidavit. Paragraph 6 of the counter affidavit is reproduced as under:

"6. That in reply to the contents of para 5 of the counter affidavit it is stated that after termination of services of petitioner's husband, he had been paid GPF amount by order dated 04.05.1971 Rs. 418. A copy of the letter of receipt of payment of GPF is being filed herewith and marked as Annexure CA 3 to this affidavit. It is further stated that in the service tenure no amount had been deducted from the salary of the petitioner's husband, hence, the

question of any payment does not arise. The services of petitioner's husband terminated punitive in nature, hence, the petitioner is not entitled to get any family pension and petitioner's husband had also not worked continuous 10 years service period, hence, husband of the petitioner was not eligible for pension and according to the Pension Rules petitioner's was also not entitled to get any pension."

The services of petitioner's husband were terminated in the year 1969 and termination order has not been challenged by him, as such, the termination order has become final.

In view of the above, writ petition lacks merit and as such, is dismissed. All the pending applications are disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J)

July 30, 2007
SKS